

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Sacramento, herein sometimes referred to as “County” for an order authorizing the Construction of the Elkhorn Boulevard Overhead Widening Project over Union Pacific Railroad (UPRR) and Roseville Road in the County of Sacramento.

Application 01-10-029
(Filed October 9, 2001)

O P I N I O N**Summary**

The County of Sacramento (County) requests authority to widen the existing Elkhorn Boulevard Overpass over the tracks and right-of-way of the Union Pacific Railroad (UPRR) and Roseville Road in Sacramento, Sacramento County. The proposed overpass will be referred to as the Elkhorn Boulevard Overpass (Overpass), Public Utilities Commission (PUC) No. 001A-101.2-A, DOT No. 762379T.

Discussion

The proposed project will widen the Overpass, adding two additional vehicular lanes, resulting in a total of three vehicle lanes each way and one new raised sidewalk on the west side of the bridge. The bridge will be widened from its existing 79-foot width to a width of 100 feet. This project is considered essential to the future safety of traffic movements and prompt response of fire, police, and other emergency vehicles. Construction of the Overpass widening will also improve a major, high-capacity, high-volume, primary thoroughfare. It

will relieve traffic congestion on local freeways by improving traffic circulation patterns and provide better access to north Sacramento County and the City of Citrus Heights.

The project will be entirely financed by the County. The projected Average Daily Traffic is 46,880 vehicles. Below the Overpass, there are 19 train movements per day involving both freight and passenger trains.

Construction of the Overpass is scheduled to begin in early 2002 and be completed by June of 2003. During construction vehicular traffic will continue on the existing overpass, and below train traffic will also proceed. Falsework will be constructed during the normal intervals when trains are not passing below the structure over UPRR's right-of-way. All falsework clearances, both horizontal and vertical, will meet UPRR's and the Commission's requirements. The vertical clearance during construction will not be less than 21 feet. Upon completion of the project, all falsework will be removed and the permanent Overpass structure will have clearances in accordance with General Order 26-D. In each direction the Overpass will have three vehicle lanes totaling 34 feet, one 7-foot shoulder/bike lane, and a 6-foot raised sidewalk. The total Overpass length is 443 feet and the width will be 100 feet.

The County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000 et. seq. On June 1, 2001, in compliance with CEQA, the County filed its Notice of Determination approving this project stating that the project will not have a significant effect on the environment. Mitigation measures were made a condition of approval of the project, and a mitigation monitoring and reporting program was adopted.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the

Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's environmental impact report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the County's environmental documentation. The environmental documentation consists of an Initial Study, a Mitigated Negative Declaration and the Notice of Determination. Analysis of potential environmental impacts included: land use and planning, agricultural resources, aesthetics, hydrology and water, transportation and traffic, soil and mineral resources, cultural resources, biological resources, population and housing, hazards and hazardous materials, noise, and air quality.

Safety and security, transportation and noise are within the scope of the Commission's permitting process. The environmental documentation did not identify any potential impacts related to safety and security.

Noise impacts were identified in the Initial Study. The impacts identified related to cumulative traffic noise. The mitigation measures adopted to address these impacts will reduce traffic noise by using rubberized asphalt, and to install 8-foot high noise barriers at specific locations.

Transportation and traffic impacts were identified in the Initial Study. The impacts are related to reduced level of service at specified intersections and increased roadway traffic volumes at specified areas. The adopted mitigation measures include permitting right turns for the exclusive as well as the northerly through lane for the intersection of Elkhorn Boulevard and Don Julio Boulevard, widening the northbound Diablo Drive approach to the intersection of Elkhorn Boulevard and Diablo Drive to accommodate an exclusive right-turn lane, and

requiring the project to comply with applicable access and circulation requirements of the County Improvement Standards and the Uniform Fire Code.

The Commission's Rail Safety and Carriers Division (RSCD), Rail Crossings Engineering Section staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed crossing, the staff recommends that the requested authority be granted for a period of three years.

With respect to the potentially significant noise and transportation impacts identified above, the Commission finds that the County adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Application 01-10-029 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3075 dated November 8, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's RSCD recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3075.

This is an uncontested manner in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311 (g)(2), the otherwise applicable 30-day effective period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on October 31, 2001. No protests have been filed.

2. The County requests authority, under Public Utilities Code Sections 1201-1205, to widen the Overpass over the tracks and right-of-way of the UPRR and Roseville Road, which is identified as PUC Crossing No. 001A-101.2-A.

3. Public convenience, safety, and necessity require the widening of the Elkhorn Boulevard Overpass.

4. The County is the lead agency for this project under the CEQA, as amended.

5. The Commission is a responsible agency for this project, and has reviewed and considered the County's environmental documentation upon which the County relied in adopting mitigation measures for the project.

6. On June 1, 2001, the County filed its Notice of Determination approving the project and found that the Elkhorn Boulevard Overpass would not have a significant effect on the environment.

7. Safety, security, transportation and noise are within the scope of the Commission's permitting process.

8. The County's environmental documents did not identify any potential environmental impacts from the project related to safety or security.

9. The Commission finds that for each potentially significant impact related to transportation or noise, the County adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The County of Sacramento (County) is authorized to widen the Elkhorn Boulevard Overpass over the tracks and right-of-way of the Union Pacific

Railroad Company (UPRR) and Roseville Road, which is identified as Public Utilities Commission (PUC) Crossing No. 001A-101.2 -A.

2. Clearances shall be in accordance with General Order (GO) 26-D; except during the period of construction, a vertical clearance of not less than 21 feet above top of rail shall be authorized. The UPRR shall be authorized to operate with such reduced overhead clearance provided that instructions issued by UPRR are filed with the Commission's Rail Safety and Carriers Division (RSCD) limiting the height of loads beneath the structure.

3. The County shall notify RSCD and UPRR at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed by the County with RSCD prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Prior to construction, the County shall file with RSCD final construction plans, approved by UPRR.

7. The County will inform the Rail Crossings Engineering Section of RSCD in writing within 30 days of the date of completion of this project.

8. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. This application is granted as set forth above.
10. Application 01-10-029 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.